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9 Attorneys for Defendants
10 CAESARS ENTERTAINMENT, INC. AND PARIS
LAS VEGAS OPERATING CO., LLC

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 LEANN MERCER, on behalf of herself and all
14 others similarly situated,
15 Plaintiff,
16 v.
17 CAESARS ENTERTAINMENT, INC.; PARIS
18 LAS VEGAS OPERATING CO., LLC; and
DOES 1 through 50, inclusive,
19 Defendants.

Case No.
(District Court Case No. A-23-870682-C)

**NOTICE OF REMOVAL OF CIVIL
ACTION TO FEDERAL COURT**

**[28 U.S.C. §§ 1331, 1367(a), 1441(a), and
1446]**

[FEDERAL QUESTION]

20 **TO THE CLERK FOR THE UNITED STATES DISTRICT COURT FOR THE DISTRICT**
21 **OF NEVADA:**

22 PLEASE TAKE NOTICE that Defendants, CAESARS ENTERTAINMENT, INC. and
23 PARIS LAS VEGAS OPERATING CO., LLC (“Defendants”), hereby remove the above-entitled
24 action from the Eighth Judicial District Court in and for the County of Clark, State of Nevada, to
the United States District Court for the District of Nevada pursuant to 28 U.S.C. §§ 1331, 1367(a),
25 1441(a), and 1446. This removal is based upon federal question and supplemental jurisdiction and
26 is timely. A true and correct copy of the Notice to State Court of Removal of Action to Federal
27
28

1 Court is attached hereto and incorporated herein as **Exhibit A**.

2 In support of this Notice of Removal of Civil Action, Defendants state to the Court as
3 follows:

4 1. On May 12, 2023, Plaintiff, LEANN MERCER (“Plaintiff”), filed a Complaint in
5 the Eighth Judicial District Court of Clark County, Nevada, entitled *Leann Mercer v. Caesars*
6 *Entertainment, Inc., et. al.*, Case No. A-23-870682-C (Department 6). True and correct copies of
7 Plaintiff’s original Complaint and Summons are attached hereto as **Exhibit B**.

8 2. The date upon which Defendants each received a copy of Plaintiff’s Complaint was
9 May 22, 2023, when Defendants were served with process. True and correct copies of the Affidavits
10 of Service reflecting service upon Defendants are attached hereto as **Exhibit C**. Accordingly, this
11 Notice of Removal is timely because it is within thirty (30) days of the date on which Plaintiff
12 served Defendants with a Summons and copy of the Complaint.

13 3. Plaintiff’s Complaint alleges a claim for failure to pay overtime wages in violation
14 of the Fair Labor Standards Act (FLSA), 29 U.S.C. § 207. Plaintiff’s Complaint also asserts claims
15 under Nevada state law for: alleged failure to pay minimum wages in violation of the Nevada
16 Constitution and Nev. Rev. Stat. § 608.250; alleged failure to compensate for all hours worked in
17 violation of Nev. Rev. Stat. §§ 608.016 and 608.140; alleged failure to pay overtime wages in
18 violation of Nev. Rev. Stat. §§ 608.018 and 608.140; and alleged failure to pay wages due and
19 owing in violation of Nev. Rev. Stat. §§ 608.020-.050 and 608.140.

20 4. Accordingly, this action is a civil action for which this Court has original jurisdiction
21 under 28 U.S.C. § 1331, which provides that United States district courts “shall have original
22 jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”
23 Moreover, because Plaintiff is asserting a federal claim, this action may be removed to this Court
24 pursuant to the provisions of 28 U.S.C. § 1441(a).

25 5. Venue is proper in this Court as this is the court for the district and division
26 embracing the place where the action is pending in state court, in accordance with 28 U.S.C. §§
27 108 and 1441(a).

28 6. Pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction over the

remaining state law claims because Plaintiff's state law claims "are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution." Supplemental jurisdiction over Plaintiff's state law claims exists because they are derived "from a common nucleus of operative fact." *United Mine Workers of America v. Gibbs*, 383 U.S. 715, 725, 86 S. Ct. 1130, 1138 (1966).

7. All pleadings, process or orders received by or filed by Defendants in this case are attached hereto. Defendants have received no other process, pleadings or orders.

8. Pursuant to 28 U.S.C. § 1446(d), Defendants will provide Plaintiff through her counsel, with prompt written notice of the removal of this action to this Court. Defendants will also file a copy of the Notice of Removal with the State Court pursuant to 28 U.S.C. § 1446(d).

9. No other defendants are required to join this Notice of Removal as no other defendants have been served with any summons or complaint.

WHEREFORE, Defendants pray that the above-referenced action now pending against it in the Eighth Judicial District Court in and for the County of Clark, State of Nevada, be removed therefore to this Court.

Dated: June 21, 2023

LITTLER MENDELSON, P.C.

/s/ Michael D. Dissinger
MONTGOMERY Y. PAEK, ESQ.
AMY L. THOMPSON, ESQ.
MICHAEL D. DISSINGER, ESQ.

Attorneys for Defendants
CAESARS ENTERTAINMENT, INC. AND
PARIS LAS VEGAS OPERATING CO., LLC

PROOF OF SERVICE

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the
within action. My business address is 3960 Howard Hughes Parkway, Suite 300, Las Vegas,
Nevada, 89169-5937. On June 21, 2023, I served the within document(s):

NOTICE OF REMOVAL OF CIVIL ACTION TO FEDERAL COURT

- By **CM/ECF Filing** – Pursuant to FRCP 5(b)(3) and LR 5-1, the above-referenced document was electronically filed and served upon the parties listed below through the Court’s Case Management and Electronic Case Filing (CM/ECF) system:

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Attorneys for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 21, 2023 at Las Vegas, Nevada.

/s/ Joanne Conti
Joanne Conti